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on May 13, 2004

Rhonda Zaffino
Rhonda Zaffino

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:)	Confirmation No.:	5550
)		
Thomas D. Petite)	Group Art Unit:	2857
)		
Serial No.: 09/925,269)	Examiner:	Mary C. Baran
)		
Filed: 8/9/01)	Docket No.:	081607-1210
)		
For: WIRELESS COMMUNICATION)		
NETWORKS FOR PROVIDING)		
REMOTE MONITORING OF)		
DEVICES)		

The following is a list of documents enclosed:

Return Postcard
Reply Brief Under 37 C.F.R. §1.193 (submitted in triplicate)

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ORIGINAL

PATENT

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REPLY BRIEF UNDER 37 C.F.R. §1.193

Mail Stop: Appeal Brief - Patents
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Alexandria, VA 22313-1450

Sir:

This is Appellant's reply to the Examiner's Answer in the above-identified patent application. This Reply Brief under 37 C.F.R. §1.193 is submitted in triplicate in response to the Examiner's Answer mailed on March 26, 2004.

It is not believed that a fee is required to consider this Reply Brief. However, if any extension is necessary to allow consideration of this paper, such extension is hereby petitioned under 37 C.F.R. §1.136(a). Required fees are hereby authorized to be charged to Deposit Account No 20-0778.

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May 13, 2004

Signature: Rhonda Zaffino

Appellant's remarks below address the Examiner's Answer. Specifically, Appellant's remarks address why rejected claims 1-29 are patentable under 35 U.S.C. §103(a) over the cited references.

The Examiner's rejection of claims 1-29 should be overturned because, contrary to the Examiner's assertion, U.S. Patent No. 5,907,491 to Canada *et al.* (hereinafter "the '491 patent") does not disclose, teach, or suggest a wide area network. The Examiner's inaccurate assertion that the '491 patent does suggest a wide area network is the Examiner's basis for making the combination with U.S. Patent No. 6,141,347 (hereinafter "the '347 patent"). Consequently, there is no motivation or suggestion to combine the '491 and '347 patents for at least this reason.

Additionally, there is also no motivation or suggestion to combine these two references under 35 U.S.C. § 103(a) because the references are completely unrelated to each other. As described in more detail below, one of ordinary skill in the art would not look to one for insight on the other. So the combination of these references is improper for this additional reason.

A. There is No Suggestion or Motivation to Combine the '491 and '347 Patents Because the '491 Patent Does Not Teach or Suggest Implementation of a Wide Area Network

The '491 patent does not teach, suggest, or disclose a wide area network, or WAN. However, the Examiner's Answer incorrectly asserts that the '491 patent suggests that the "PC Network" is some sort of wide area network that the local area network "can then further be connected to ... for analysis and storage." See Examiner's Answer at 24. In support of this position, the Examiner's Answer cites to the '491 patent at column 8, lines 6-15 and also to Figure 8. *Id.* Yet, there is no such suggestion, teaching, or disclosure in the '491 patent.

Upon reviewing the sections cited in the Examiner's Answer in support of the assertion that a wide area network is suggested, it is apparent that the '491 patent only discloses a *local*

system for transmitting physical characteristics of industrial machines to a command station in a control room, all of which is located in a single industrial plant. Indeed the background of the ‘491 patent bears this fact out in stating that “[i]t is desirable to monitor all of the machines from a *central location in the plant*, so that manufacturing personnel need not travel to each machine in the plant to assess its health.” ‘491 patent: Col. 1, lines 60-63 (emphasis added). Thus, the ‘491 patent’s transmission system is not a wide area network.

The ‘491 patent does not teach a wide area network because the monitoring takes place from a central location in a single local plant installation. The “PC Network” of the ‘491 patent is disclosed as only being local to the plant. This local transmission system of the ‘491 patent enables manufacturing personnel to assess the health of machinery from one central location rather than having to physically examine each machine. It is apparent then that a wide area network is not suggested, taught, or disclosed in the ‘491 patent due in part to the reason that the ‘491 patent only envisions local transmission within a single fixed location.

Moreover, the Examiner’s Answer admits that the ‘491 patent fails to disclose a WAN even though the Examiner’s Answer also asserts on page 24 that the ‘491 patent “suggests a wireless connection to a WAN such as the Internet.” See Examiner’s Answer at 24. Specifically, on page 4 of the Examiner’s Answer, which is a reproduction of a prior Office Action rejection, the Examiner’s Answer states that “Canada does *not* teach a wide area network....” Examiner’s Answer at 4 (emphasis added). This statement on page 4 is clearly a contradiction to the statement on page 24. So the Examiner’s Answer admits that there is no such teaching while at the same time alluding to an amorphous suggestion that somehow does not rise to a “teaching.”

As stated above, there is no teaching or suggestion of connecting the system disclosed in the ‘491 patent to a wide area network, whether the Internet or otherwise. Applicant has

thoroughly reviewed the '491 patent and is unable to locate any teaching, suggestion, or disclosure for anything other than a local transmission system. Because the '491 patent only discloses a local transmission system instead of a WAN, and also because the Examiner's Answer actually admits that the '491 patent fails to teach a WAN, the result is that there is no underlying motivation or suggestion to combine the '491 patent with the '347 patent, which is relied on for disclosing a wide area network. It is at least for these reasons that the rejection of claims 1-29 based on the combination of the '491 and '347 patents should be overturned.

B. There is No Suggestion or Motivation to Combine the '491 Patent's Localized Systems for Monitoring Physical Characteristics With the '347 Patent's Completely Unrelated Multicast Addressing Scheme for Mobile Telecommunication Systems

One of ordinary skill would not look to the '347 patent for insight on teachings disclosed in the '491 patent. The '491 patent relates to localized systems for monitoring physical characteristics, such as vibration or temperature, of industrial machines within a manufacturing plant and transmitting sensed data to a central command station located within the manufacturing plant for monitoring. '491 patent: Col. 1, line 17 - Col. 2, line 19; Col. 2, lines 23-39. The '491 patent describes an alternative to the installation and maintenance costs associated with hardwired machine monitoring systems in industrial plants. The '491 patent discloses a system to wirelessly transmit information in a fixed, local area in a manner that is inexpensive, simple, and easy to maintain. Indeed a major problem overcome by the '491 patent is the difficulties associated with the very presence of wires in industrial plants. *See* '491 patent: Col. 1, line 60; Col. 2, lines 17-19.

The '347 patent, however, relates to highly sophisticated global mobile wireless telecommunications systems such as Global System for Mobile Communications (GSM) and

Advanced Mobile Phone Service (AMPS). More specifically, the '347 patent involves multicast addressing to handle mobile subscriber communication units that move from one site to another, which requires handover and location update procedures, all of which the '347 patent discloses as previously accomplished through centralized systems. See '347 patent: Col. 1, lines 42-44. But the '347 patent involves a decentralized mobility processing scheme to ease network consumption resources during mobile call initiation.

Local polling-type wireless monitoring systems (of the '491 patent) are completely unrelated to multicast addressing schemes in mobile telecommunications systems (of the '347 patent). One of ordinary skill in the art of monitoring the physical characteristics (*i.e.*, vibration, temperature, etc.) of industrial machines would not look to the decentralized mobility processing in wireless communications systems, such as GSM, AMPS, etc. for solutions to decrease system costs and maintenance requirements. In fact, such solutions are not disclosed in the '347 patent. The '491 patent's wireless monitors do not change locations so as to require sophisticated handover and location update procedures, as disclosed in the '347 patent. Plus, the '347 patent describes a *decentralized* scheme, so one of ordinary skill would not look to the '347 patent for insight on centralized monitoring, as disclosed in the '491 patent.

In the Examiner's Answer, the '491 and '347 patents are characterized as disclosing "wireless communication *monitoring* systems." Examiner's Answer at 24 (emphasis added). In regard to the '347 patent, the Examiner's Answer cites column 1, lines 9-11 as supporting the assertion that the '347 patent discloses "wireless communication monitoring systems." However, the '347 patent does not contain the word "monitor" at column 1, lines 9-11 or in any other part of the '347 patent. Column 1, lines 9-11 of the '347 patent states that the '347 patent relates to "a wireless communication system that incorporates multicast addressing," which is clearly

unrelated to the system described in the '491 patent. '347 patent: Col. 1, lines 10-11. Therefore, the basis for asserting that there is some suggestion to combine the '347 and '491 patents is incorrect and improper. Thus, the rejection of claims 1-29 based on the combination of the '491 and '347 patents should be overturned.

CONCLUSION

Appellant respectfully requests that the Board of Appeals overturn the Examiner's rejection of all pending claims 1-29 and allow claims 1-29 for the reasons indicated.

Respectfully submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By:


N. Andrew Crain
Registration No. 45,442

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**
100 Galleria Parkway, N.W.
Suite 1750
Atlanta, Georgia 30339-5948
(770) 933-9500